

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Mamie Jackson,)
Plaintiff,) C/A No. 3:15-0139-MBS
vs.)
University of South Carolina,)
Defendant.)

)

O R D E R

Plaintiff Mamie Jackson, proceeding pro se and in forma pauperis, filed a complaint on January 12, 2015, alleging that Defendant University of South Carolina violated her constitutional rights and discriminated against by refusing her admission to a foreign language class after the deadline for enrollment. See 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling.

The Magistrate Judge reviewed the complaint pursuant to 28 U.S.C. § 1915(e). On February 27, 2015, the Magistrate Judge issued a Report and Recommendation in which she noted that Defendant is protected from suit by the Eleventh Amendment, and that, in any event, Defendant is not a “person” amenable to suit under § 1983. Accordingly, the Magistrate Judge recommended that the case be summarily dismissed without prejudice and without issuance and service of process. Plaintiff filed no response to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). This court may accept, reject, or modify, in whole

or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). This court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. Id. In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has thoroughly reviewed the record. The court adopts the Report and Recommendation and incorporates it herein by reference. For the reasons stated herein and in the Report and Recommendation, the complaint is summarily dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

Columbia, South Carolina

March 25, 2015